

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**TRAVIS BUCKHALTER**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 3:11-cv-752-CWR-FKB**

**J.C. PENNEY CORPORATION, INC.**

**DEFENDANT**

**ORDER**

Before the Court is Plaintiff Travis Buckhalter's Objection to Order to Dismiss and Compel Arbitration filed on October 9, 2012. Docket No. 28. The Court entered Final Judgment on this matter on September 25, 2012. Docket No. 27. Accordingly, Buckhalter's objection is treated as a motion to amend or alter said judgment. *See* Fed. R. Civ. P. 59.

Under Federal Rule of Civil Procedure 59(e), "[a] motion to alter or amend judgment must clearly establish either a manifest error of law or fact or must present newly discovered evidence.'" *Ramirez v. L-3 Commc'n Vertex Aerospace, LLC*, 3:11-cv-297-CWR-LRA, 2012 WL 4052059, at \*2 (S.D. Miss. Sept. 13, 2012) (citation omitted). *See also Bell-Wilson v. Skinner*, 3:09-cv-147-CWR-FKB, 2011 WL 1626536, at \*1 (S.D. Miss. Apr. 28, 2011) (a motion to alter or amend judgment also may be granted where party points to an intervening change in controlling law).

Buckhalter's objection fails to direct the Court to any newly discovered evidence or an intervening change in controlling law, and also fails to show that the Court's legal conclusions are in error. Accordingly this motion is DENIED.

**SO ORDERED**, this the 28th day of November, 2012.

s/ Carlton W. Reeves

UNITED STATES DISTRICT JUDGE